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# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

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*Gen. Counsel*

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February 22, 1993

Mrs. Joan R. Roholt  
2015 West 4450 South  
Roy, Utah 84067

Dear Mrs. Roholt:

Re: Response to Land Ownership Inquiry

On February 16, 1993, we received your letter requesting clarification or further information on how land ownership relates to mining claims. As stated on the information page, there are principally three types of land and mineral ownership in Utah (State, Federal and private/"patented"). The Division of Oil, Gas and Mining (Division) reviews applications and issues permits to conduct mining and exploration activities on all of these lands. The following may help clarify this statement:

State Land is usually designated as "state school sections" (typically sections 2, 16, 32 & 36). Any proposed mining to be conducted on these school sections can only occur after a mineral lease has been obtained from the Division of State Lands and Forestry. The mining activity is subsequently permitted and regulated by this Division, after the lease is obtained.

Federal land is administered by the Bureau of Land Management (BLM) or the U.S. Forest Service (USFS). The BLM is responsible for administering mining claims (mineral rights) filed on federal lands. The BLM and/or USFS (depending upon surface ownership) also regulate & issue permits to conduct mining activities on federal land. This Division has a joint Memorandum of Understanding (MOU) with the USFS and BLM which defines joint permitting responsibilities and agency coordination in processing permit applications.

*Mining claims can only be located upon unpatented federally owned/managed lands.*

This Division is principally responsible for permitting and regulating mining activities conducted *only* on private or "patented" land.

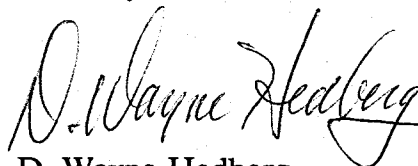
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Surface and mineral ownership may be "one in the same", or a combination of the three categories mentioned above. In other words, an individual may own the surface (or mineral rights) of the land, and the minerals (or surface) may be owned by the federal or state government. In this case, an individual would need to obtain a mineral lease from the Division of State Lands and Forestry (state lands), or hold a valid mining claim with the BLM (federal land) before conducting any mining activity.

If one individual owns the surface rights and another individual holds the mineral rights to the same land, the surface owner cannot deny the mineral owner access to the minerals. An agreement is usually worked out between the two parties how the mineral deposit will be accessed and mined before the mineral owner proceeds to extract the minerals from the property.

I hope this helps answer your question in this regard. I'm sorry for the confusion that our form may have caused. If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, reading "D. Wayne Hedberg". The signature is fluid and extends to the right with a long horizontal stroke.

D. Wayne Hedberg  
Permit Supervisor  
Minerals Regulatory Program

jb

11 February 1993

Greetings / Supervisor:

Please send me more information,  
as to how the circled paragraph of the  
enclosed "fits into the matter" of mining  
claims - or - further information  
regarding the circled paragraph.

Thank You,

Mrs. Joan R. Roholt

2015 West 4450 South  
Roy, Utah 84067

1 Enclosure

**RECEIVED**

FEB 16 1993

DIVISION OF  
OIL, GAS & MINING